



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,273	11/30/2001	Michael Kende	92654-008	2603

29315 7590 04/16/2007
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004

EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT	PAPER NUMBER
----------	--------------

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/997,273

Applicant(s)

KENDE ET AL.

Examiner

Kirsten S. Apple

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date no IDS.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

This action is in response to the application response filed on 01-09-2007.

Claim Rejections - 35 USC § 112

In view of the applicants amendments the 112 rejections is hereby withdrawn.

Claim Rejections - 35 USC § 101

In view of the applicants amendments the 101 rejections is hereby withdrawn.

Claim Rejections - 35 USC § 102

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 1-26 under 35 USC 102.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts (US Patent 6,885,997 B1).

Re claim 1 & 14: Roberts discloses:

A method & system for analyzing service provider rate plan information, comprising:

A user module for accessing user information (see , Figure 5, item 402)

A service provider data base for storing service provider information wherein service provider information comprises rate plan information associated with one or more service providers; and (see , Figure 5, item 410)

An analysis engine module for analyzing user information and service provider information to generate one or more savings suggestions base on rate information and at least one other user preference. (see , Figure 5, item 416)

Re claim 2 & 15: Roberts discloses:

User information comprises user entered profile information (see , Figure 5, item 402)

Re claim 3 & 16: Roberts discloses:

User information comprises user prior usage information (see , Figure 5, item 402)

Re claim 4 & 17: Roberts discloses:

User information comprises user entered profile information and prior usage information (see , Figure 5, item 402)

Re claim 5 & 18: Roberts discloses:

A savings module/step for providing personalized savings information where in personalized savings information is generated by the analysis engine module (see , Figure 7, item 64)

Re claim 6 & 19: Roberts discloses:

Savings information comprises static savings information (see , Figure 7, item 64)

Re claim 7 & 20: Roberts discloses:

Savings information comprises proactive savings information (see , Figure 7, item 64)

Re claim 8 & 21: Roberts discloses:

External data module/step further analyses user independent data in generating one or more preferred savings suggestions (see , Figure 6, item 506)

Re claim 9 & 22: Roberts discloses:

A switching module/step for facilitating switching the user to the one or more preferred savings suggestions wherein the one or more preferred savings suggestions comprises a new rate plan (see , Figure 8, item 602)

Re claim 10 & 23: Roberts discloses:

Switching module/step for facilitating switching the user to the one ore more preferred savings suggestions wherein the one or more preferred savings suggestions comprises a new service provider (see , Figure 7, item 64)

Re claim 11 & 24: Roberts discloses:

A demand aggregation module/step for aggregating one or more users who are willing to transfer to an identified service provider (see , Figure 8, item 604, it is inherent that if you are tracking multiple orders you would aggregate them if same service provider identified)

Re claim 12 & 25: Roberts discloses:

A demand aggregation module/step for aggregating one or more users who are willing to transfer to an identified rate plan (see , Figure 8, item 604, it is inherent that if you are tracking multiple orders you would aggregate them if same rate plan identified)

Re claim 13 & 26: Roberts discloses:

A delivery module (see , Figure 8, item 606)

Response to Arguments

Applicant's arguments filed 01-09-2007 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st: Roberts does not disclose multi-factor rate analysis system

The Examiner refutes the argument made by the Applicant and draws the attention to Roberts Figure 6, item 510.

Applicants argued 2nd, Roberts does not disclose user specified threshold for an amount of savings that would cause a user to switch rate plans

The Examiner refutes the argument made by the Applicant and draws the attention to Roberts, Figure 8, item 602 + column 9, line 50 "elient may choose to switch." It is inherent that they must have a threshold for them to make that decision.

Applicants argued 3rd, Roberts does not disclose deterring a rate plan based on the users usage patter for a service over two or more separate periods of time.

The Examiner refutes the argument made by the Applicant and draws the attention to Roberts Figure 6, item 510.

Applicants argued 4th, Roberts does not disclose electronically extracting prior usage information from an electronic bill payment system

The Examiner refutes the argument made by the Applicant and draws the attention to Roberts, figure 6, item 502 & 504. It is inherent that this is typed in more electronically provided – the type of input method is a matter of design choice in the system.

Applicants argued 5th, Roberts does not disclose personalized savings information based on information in at least one of the users preferences + disclose saving information on discounts + disclosed savings information includes user behavior changes.

The Examiner refutes the argument made by the Applicant and draws the attention to Roberts, Figure 6, item 512 or figure 7 clearly shows saving information. The applicant argues that Roberts is a comparison of rate plan. In the broadest reasonable interpretation comparison of existing rate plans to other plans is an example of user preferences (and probably the most common requested one.) Unless the claims are more narrow that preferences do not include this they are rejected under the current prior art. Also Roberts includes any discount information and a behavior change could be switching operators (figure 8, item 602)

Applicants argued 6th, Roberts does not disclose storing user independent data that can be used in analysis to generate savings suggestions + user rate plan switching information criteria

The Examiner refutes the argument made by the Applicant and draws the attention to Roberts, Figure 6, item 502 & 504 both stored. Item 510 shows analysis of savings suggestions & plan switching information.

Applicants argued 7th, Roberts does not disclose demand aggregation module for aggregating users that are willing to transfer to an identified service provider.

The Examiner refutes the argument made by the Applicant and draws the attention to Roberts that clear talks about using his process for multiple users in Figure 8, item 602 – multiple users could “switch providers.”

Applicants argued 8th, Roberts does not disclose means for automatically monitoring rate plans for a subscriber and deliver alerts to the user when a better rate is available.

The Examiner refutes the argument made by the Applicant and draws the attention to Roberts process can be run multiple times.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3693

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

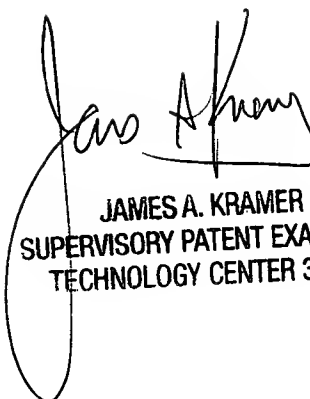
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3693

ksa

 4/10/07

JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600